

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1799 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

RAMIBEN MYAJARBHAI AGARIYA

Versus

RAMJI LAKHU BAVA

Appearance:

MR PN BAVISHI for Petitioner
MR PK PANCHOLI for Respondent No. 4
None present for other Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 14/03/2000

ORAL JUDGEMENT

#. Heard the learned counsel for the petitioner.

#. The application filed by petitioner-claimant for

grant of interim compensation under Section 140 of the Motor Vehicles Act came to be rejected by the Motor Accident Claims Tribunal (Aux.1), Kutch-Bhuj, under the order dated 8th September, 1998, only on the ground that F.I.R. of the incident has not been filed.

#. Now the F.I.R. has been taken and a copy of which has been furnished to the learned counsel for the petitioner by learned counsel for respondent No.4. On this subsequent development the order of the Tribunal below cannot be allowed to stand and the same is quashed and set aside. The petitioner is directed to produce a copy of the F.I.R. in the Tribunal and the Tribunal shall consider the matter afresh and pass the fresh order in accordance with law within a period of one month from the date of receipt of writ of this order or certified copy thereof whichever is earlier. The claim petition is of the year 1997. The Tribunal is directed to dispose of the claim petition also within a period of six months from the date of receipt of writ of this order or certified copy thereof, whichever is earlier. Rule is made absolute accordingly with no order as to costs.

.....

(sunil)